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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 GEORGE MERCIER,

9 Plaintiff,

10 vs.

11 THE UNITED DISTRICT COURT, *et al.*,

12 Defendants  
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Case No. 2:06-cv-01192-RLH-LRL

**ORDER**

14 The Court denied Plaintiff's Application to Proceed in Forma Pauperis (#1) and  
15 directed him to pay the filing fee (#2, filed October 2, 2006). Plaintiff has not paid the fee within  
16 the allotted time.

17 "Before dismissing the action, the district court is required to weigh several factors:  
18 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its  
19 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases  
20 of their merits; and (5) the availability of less drastic sanctions." Ghazali v. Moran, 46 F.3d 52, 53  
21 (9th Cir. 1995) (internal citations and quotations omitted). All five factors point in favor of  
22 dismissal. This action simply cannot proceed without Plaintiff first paying the filing fee, and  
23 Plaintiff has not taken the opportunity to do just that. Defendants, who have not appeared, will  
24 suffer no prejudice.

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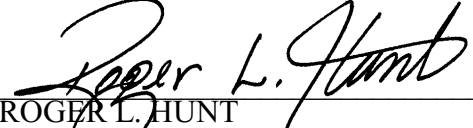
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1 IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice  
2 for Plaintiff's failure to pay the filing fee. The Clerk of the Court shall enter judgment accordingly.

3 DATED this 15<sup>th</sup> day of August, 2007.

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6 ROGER L. HUNT  
Chief United States District Judge  
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